IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELVETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11809 of 2004

Between:

M/s. Durgabai Deshmukh Hospital & Reasearch Center, Andhra Mahila Sabha, University Road, Hyd-44m
Rep. by Secretary, M.L.Narayana Rao. S/o. M. Ramakrishna , Age 53.

..... PETITIONER

AND

1 Assistant Provident Fund Commissioner (C&R),Cir-II, Employees Provident fund Organisation, Ministry of Labour Govt of India, Regional Office 3-4-763, Bhavishyanidhi Bhavan Barkatpura, Hyd -27 and another.
2 The Appellate Authority under E.P.Funds & Miscellaneous, Provisions Act, 1952, NEW DELHI.
3 Spectrum Security Services, D.Ro. No. 1-9-1113/30/H/A, Dayanad Nagar Vidyanagar, Hyd - 500044.
Rep. by its Managing Director, K. Ravindra Reddy.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly one i the nature of writ of mandamus declaring the final order issued vide Proc.No. AP/4231/Enf C.II/T8/2004 /5390 dt. 12.2.2004 by the Asst. Provident Fund Commissioner (C&R), Cir-II, Employees Provident Fund Organisation (Ministry of Labour Government of India) Regional Office 3-4-763, Bhavishtyanidhi Bhavan Barakatpura, Hyd -27, and all consequential proceedings issued by the first respondent on 16-5-2004 for enforcement of the orders against the petitioner are illegal arbitrary and contrary to the provisions of the Employees Provident Funds and Miscellaneous Provisions Act 1952 and direct that the Spectrum Security Services the third respondent to pay the contribution and any amounts for who it is liable for the payments if any in the event of coverage under of the provisions of the Employees Provident Funds and Miscellaneous Provisions Act 1952 after enquiry as per the due process of Law and.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents 1 and 2.: MR.R.N.REDDY, Standing Counsel

Counsel for respondent No.3 : None

The Court made the following :

ORDER:

The petitioner seeks to challenge the proceedings dated 12-2-2004 and 16-5-2004 issued by the 1st respondent bringing the petitioner – Hospital under the Employees Provident Fund Act and directing it to pay certain amounts with interest.

The learned counsel for the petitioner submits that against the impugned orders, though an appeal has already been proffered before the 2nd respondent, neither the appeal has been disposed of nor any interim orders passed therein, and pending disposal of the appeal, the 1st respondent is proceeding to take steps to enforce the orders dated 12-2-2004 and 16-5-2004. Hence, the present writ petition is filed.

Having regard to the fact that the appeal said to have been filed by the petitioner is pending before the 2nd respondent I deem it appropriate to dispose of the writ petition with the following directions:

The 2nd respondent is directed to consider and dispose of the appeal or pending thereof consider passing interim orders in the interlocutory application filed therein, expeditiously. Till then, the respondents are directed not to take any coercive steps against the petitioner in pursuance of the orders dated 12-2-2004 and 16-5-2004.

The writ petition is disposed of accordingly. No costs.

_____

12-7-2004

asp

To:

1. Assistant Provident Fund Commissioner (C&R),Cir-II, Employees Provident fund Organisation, Ministry of Labour Govt of India, Regional Office 3-4-763, Bhavishyanidhi Bhavan Barkatpura, Hyd -27 and another.

2. The Appellate Authority under E.P. Funds & Miscellaneous, Provisions Act, 1952,NEWDELHI.

3. Two C.D. Copies